UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
---X
BARBARA BASSETT,

Plaintiff, **DOCKET NO.**

-against-

LVNV FUNDING, LLC, MERCANTILE
BUREAU, LLC AND ELTMAN LAW, P.C.

Defendant(s).
---X

NOTICE OF REMOVAL OF ACTION

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. section 1441, et seq. Defendants LVNV FUNDING, LLC AND MERCANTILE BUREAU, LLC. hereby removes this civil action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

I. PROCEEDINGS TO DATE

On or about July 13, 2017, Plaintiff, Barbara Bassett filed a summons and complaint dated July 13, 2017, in the civil action captioned BARBARA BASSETT v LVNV FUNDING, LLC, MERCANTILE ADJUSTMENT BUREAU, LLC AND ELTMAN LAW, P.C. Index No. 156324/2017, in the Supreme Court of the State of New York, County of New York. Defendant LVNV FUNDING, LLC was served with the summons complaint on July 31, 2017. The co-defendant Mercantile Adjustment Bureau, LLC was served on July 31, 2017 and Defendant

Eltman Law, P.C. was served on July 31, 2017. The complaint alleges a violation of the Fair Debt Collection Practices Act and the NYGBL Section 349, and plaintiff seeks statutory and actual damages as well as attorney fees and other relief.

Copies of all pleadings and other papers plaintiff previously filed with the Supreme Court of the State of New York, County of New York are annexed hereto as Exhibit "A," as required by 28 U.S.C. Section 1446

II. GROUNDS FOR REMOVAL

The Court has original jurisdiction over this action because this action arises under a Law of the United States. See 28 U.S.C. Section 1331. This action arises under the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692 et seq. (See Exhibit "A") Accordingly, according to 28 U.S.C. Section 1331, this Court has original jurisdiction over this case.

III. VENUE

Plaintiff's action is pending in the Supreme Court of the State of New York, County of New York, which is within this judicial district and division. 28 U.S.C. Section 112(c). The United States District Court for the Southern District of New York is the District Court and Division within which LVNV Funding, LLC and Mercantile Bureau, LLC may remove this action, pursuant to 28 U.S.C. Section 1441(a) and within which defendants must file this Notice of Removal, pursuant to 28 U.S.C. Section 1446(a).

IV. TIMELINESS

This Notice of Removal is timely filed. All Defendants have been served with a copy of the summons and complaint. The co-defendant Eltman Law, P.C. consents to removal of this case to Federal Court. This notice of Removal complies with 28 U.S.C. Section 1446(b).

V. NOTICE

Pursuant to 28 U.S.C. Section 1446(b), Defendants, LVNV Funding, LLC and Mercantile Adjustment Bureau, LLC are simultaneously filing a copy of this Notice of Removal with the Supreme Court, New York County. Plaintiff's counsel is also being served with a copy of this Notice of Removal. Counsel for Eltman Law. P.C. is also being served with this notice of removal.

VI. CONCLUSION

For the foregoing reasons, LVNV Funding, LLC and Mercantile Adjustment Bureau, LLC, respectfully request that this action, previously pending in the Supreme Court of the State of New York, County of New York be removed to this Court, and that this Court proceeds as if this case had been originally initiated in this Court.

Dated: New City, NY
August 25, 2017

Respectfully submitted,

ARTHUR SANDERS
BARRON & NEWBURGER, P.C.
Attorneys for Defendants
LVNV Funding, LLC and
Mercantile Adjustment Bureau, LLC
30 South Main Street
New City, NY 10956

EXHIBIT A

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK
--X
BARBARA BASSETT,

PLAINTIFF,

-against-

LVNV FUNDING, LLC,
MERCANTILE ADJUSTMENT BUREAU, LLC,
AND ELTMAN LAW, P.C.

DEFENDANTS.
--X

Index No.:

SUMMONS WITH NOTICE

Plaintiff's address: 111 Reynolds Circle, Port Orange, Florida, 32127.

The basis of venue is the county where the cause of action arose

To the above named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

TAKE NOTICE that the object of this action and the relief sought is to recover damages for Defendants' violations of NYGBL § 349 and the Fair Debt Collection Practices Act §§ 15 USC 1692, et. seq., for their use of deceptive documentation and other misleading tactics following disposal of the action, *Arrow Financial Services, LLC v. Barbara Basset*, Index # 8301/10 ("the action"). Plaintiff successfully vacated the judgment as evidenced by the fully executed and stamped stipulation, which is attached hereto and incorporated by reference. Aside from vacatur of the judgment, the parties agreed to mutual releases. Despite the conclusive and preclusive effects of that stipulation, Defendants LVNV Funding, LLC and Mercantile Adjustment Bureau, LLC ("Mercantile") have been unlawfully pursuing the plaintiff to collect on the judgment that had been vacated. Mercantile has been calling and bothering Plaintiff through her counsel to collect on a judgment that it knew, or should have known, was vacated, unenforceable, and uncollectable. Mercantile, on behalf of LVNV Funding, LLC, have sent at least one communication similar to the attached dun dated July 5, 2017, which is incorporated by reference. This dun, which encloses the default judgment that had been vacated is deceptive and unfair as a matter of federal and state law. LVNV Funding, LLC and Eltman Law, P.C. failed to have maintain adequate measures reasonably adapted to avoid transferring and/or collecting upon a vacated judgment. The pattern of communications by defendants under these facts rebuts any claim of a bona fide error defense. The defendants have failed to conduct a meaningfully attorney review at all material stages, and simply lack a defense for attempting to collect upon an extinguished and released debt. Upon information and belief, Defendants broadly use these practices against the consuming public thereby having a broad impact on the consuming public at large and the judiciary. Plaintiff is entitled to statutory damages, actual damages, attorneys' fees, and costs under NYGBL § 349(h) and FDCPA § 1692k. Ms. Bassett undergone significant grief dealing with the action, which included dealing with LVNV Funding, LLC's purported assignor, Arrow Financial Services, LLC, in securing the vacatur of the default judgment in the action.

In your failure to answer, judgment will be taken against you for the sum of **$60,000.00** with interest thereon from July 21, 2015, together with the costs of this action.

Dated: July 13, 2017

Defendants' addresses:

LVNV Funding, LLC
625 Pilot Road
Las Vegas, NV 89119

Mercantile Adjustment Bureau, LLC
165 Lawrence Bell Drive, Suite 100
Williamsville, NY 14221

Eltman Law, P.C.
101 Hudson Street, Suite 2702
Jersey City, NJ 07302

Attorney for Plaintiffs:

Jared Louzon, Esq.
Jesse Langel, Esq. (Of Counsel)
Law Office of Simon Goldenberg, PLLC
818 East 16th Street
Brooklyn, NY 11230
P: 347-640-4357
F: 347-472-0347

Mercantile Adjustment Bureau, LLC
165 Lawrence Bell Drive, Suite 100
Williamsville, NY 14221

Office Hours (Eastern Time):
8:00AM - 9:00PM Monday-Thursday
8:00AM - 5:00PM Friday
07-05-17
'PURCDISI'

BARBARA BASSETT
C/O JESSE LANGEL, ESQ
225 BROADWAY SUITE 700
NEW YORK NY 10007

Current Creditor: LVNV FUNDING LLC
Original Creditor: GE MONEY BANK
Original Account Number: 668M1917
Current Account Number: ************8342
Reference #: 26962179-752
Current Balance: $ 17860.18

DEAR BARBARA BASSETT,

Enclosed please find validation for the above mentioned account. If you have any questions, please feel free to contact us at 1-800-724-1107.

We offer an on-line correspondence service that will reduce paper consumption and may improve your customer experience. Please visit www.mercantilesolutions.com to sign-up for paperless billing, access your account information or make payment(s) on-line. You may also mail payment(s) to: Mercantile Adjustment Bureau, LLC PO Box 9055, Williamsville, NY 14231-9055.

Calls to or from this company may be monitored or recorded.

The account balance may periodically increase due to the addition of accrued interest as provided in your agreement with the original creditor or as otherwise provided by law.

This communication is from a debt collector. This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Sincerely,
Mercantile Adjustment Bureau, LLC
Dan Lauer
Telephone Number: 1-877-770-6325

New York City Department of Consumer Affairs License Number(s) 1310227 & 1310229

000001273226

DISTRICT COURT OF THE COUNTY OF NASSAU
FIRST DISTRICT:HEMPSTEAD

R & R File No. 822045
Client Acct: 6019190299968342
D1 059

ARROW FINANCIAL SERVICES, LLC

Plaintiff

-against-

BARBARA BASSETT

Defendant(s)

JUDGMENT

Index No. CV008301/10

Amount claimed in complaint		$	8,999.73
Interest on $ 8,999.73 at 9.000% from 2/26/08 to 4/16/10			1,730.91
		TOTAL $	10,730.64
Costs by Statute............................	$ 50.00		
Service of process..........................	25.00		
Fee for Index Number........................	45.00		
			120.00
		TOTAL $	10,850.64

STATE OF NEW YORK, COUNTY OF SUFFOLK:
The undersigned, an attorney admitted to practice in the State of New York, associated with the attorneys for plaintiff, under penalties of perjury, affirms the following to be true: The disbursements specified above have been or will necessarily be made or incurred and are reasonable in amount. Defendant(s) have failed to appear, answer or move herein, and the time to do so having expired, plaintiff is entitled to judgment by default. A copy of the summons was deposited on 3/15/10 (Deft 1) in a separate post paid envelope in an official depository of the United States Postal Service within New York State, addressed to each defaulting defendant's last known home address set forth herein. More than 20 days have elapsed and the envelope has not been returned as undeliverable by the post office.
CPLR 4539(b) ALLOWS REPRODUCTION OF DOCUMENTS IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH THEREIN. THE DOCUMENTS SUBMITTED WITH THIS JUDGMENT ARE EITHER ORIGINALS OR IDENTICAL TO THE ORIGINAL. IF A REPRODUCTION, THE ORIGINAL WAS STORED ELECTRONICALLY IN A SYSTEM THAT CREATES TIF IMAGES AND RECORDS THEM IN A WORM (WRITE ONCE, READ MANY) CD SYSTEM. INFORMATION STORED IN A WORM CD SYSTEM CANNOT BE CHANGED ONCE IT IS RECORDED.
Dated: April 16, 2010

..../S/............
JOSEPH LATONA VALERIE WATTS
RUBIN & ROTHMAN, LLC
Attorneys for Plaintiff
1787 Veterans Highway
Islandia, N.Y. 11749
(631) 234-1500

Judgment is rendered in favor of Plaintiff:

ARROW FINANCIAL SERVICES, LLC
5996 W TOUHY AVENUE, NILES, IL 60714

and against the following defendant(s):

BARBARA BASSETT
702 SHERMAN AVE, NORTH BELLMORE, NY 11710-1329

as herein above computed in the sum of $ 10,850.64 and it is adjudged that the Plaintiff have execution therefor.

Dated: APR 26 2010

ROBERT A. SHIMONSKI
CLERK - CIVIL TERM

Clerk

DISTRICT COURT OF THE COUNTY OF NASSAU
FIRST DISTRICT: HEMPSTEAD

ARROW FINANCIAL SERVICES, LLC,

PLAINTIFF,

-against-

BARBARA BASSETT,

DEFENDANT(S).

STIPULATION OF DISCONTINUANCE AND MUTUAL RELEASES

INDEX NO.: CV-8301-10/NA

EEC File No.: 4439M2367

2016 JAN -8 PM 2:45
DISTRICT COURT OF NASSAU COUNTY

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys of record for the respective parties herein, that:

1. The judgment entered against defendant BARBARA BASSETT on April 26, 2010 in the above captioned case is hereby vacated and all restraints, liens and executions shall be lifted.

2. Whereas no party is an infant or incompetent person for who a committee or conservatee has been appointed, and no person not a party hereto has an interest in the subject matter of the action, the above captioned action be and the same is hereby discontinued with prejudice and without costs or disbursements to either party as against the other.

3. With the signing of this stipulation, the parties, including their heirs, executors, administrators, successors, assigns, directors, officers, shareholders, members, employees, insurers, attorneys, agents and independent contractors, hereby release and forever discharge each other including their heirs, executors, administrators, successors, assigns, directors, officers, shareholders, members, employees, insurers, attorneys, agents and independent contractors, from and of any and all claims that have been asserted, or could have been asserted, in this action in this or any other court or forum concerning or in any way related to or on the debt sued upon herein or collection thereof.

4. Facsimile signatures on this document shall be deemed originals and suitable for filing with the court and for all other purposes. This stipulation may be filed with the court and an order may be entered thereon without further notice to either party.

Dated: July 21, 2015
New York, New York

ELTMAN LAW, P.C.
ATTORNEY(S) FOR PLAINTIFF
BY: ROBERT A. FACEY, Esq.
101 HUDSON STREET, SUITE 2702
JERSEY CITY, NJ 07302
PHONE: (212) 660-3100
FAX: (212) 660-3197

THE LANGEL FIRM
ATTORNEY(S) FOR DEFENDANT
BY: JESSE LANGEL, Esq.
225 BROADWAY, SUITE 700
NEW YORK, NY 10007
PHONE: (646) 290-5600
FAX: (646) 964-6682

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

BARBARA BASSETT,

Plaintiff,

-against-

LVNV FUNDING, LLC, ET AL.,

Defendants.

Index No. 156324/2017
Date Filed: 07/13/2017

AFFIDAVIT OF SERVICE

State of New York)
SS.:
County of Albany)

Jeffrey Teitel, being duly sworn, deposes and says that deponent is over the age of eighteen years, is employed by the attorney service, TEITEL SERVICE BUREAU INC., and is not a party to this action.

That on the 24th day of July 2017 at the office of the Secretary of State of New York in the City of Albany he served the annexed Summons with Notice and Notice of Commencement of Action Subject to Mandatory Electronic Filing on **ELTMAN LAW, P.C.** by delivering and leaving with Nancy Dougherty, a clerk in the office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, Deponent paid said Secretary of State a fee of $40.00 Dollars. That said service was pursuant to section 306 of the Business Corporation Law.

Deponent further states that he knew the person so served as foresaid to be a clerk in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age	Height	Weight
__ Male	X White	__ Light	__ 20-30	X 5'-5'5"	X 100-150
X Female	__ Black	__ Medium	__ 31-40	__ 5'6"-6'	__ 151-200
	__ Other	X Dark	__ 41-50	__ 6'1"-6'5"	__ 200-250
			__ 51-60	__ 6'6"+	__ 250+
			X 61-70		

Sworn to before me this 24th day of July, 2017

Hilary Teitel
Hilary Teitel
Notary Public, State of New York
Qualified in Albany County
No. 01TE5049179
Commission Expires September 11, 2017

Jeffrey Teitel

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

BARBARA BASSETT,

Plaintiff,

Index No. 156324/2017
Date Filed: 07/13/2017

-against-

AFFIDAVIT OF SERVICE

LVNV FUNDING, LLC, ET AL.,

Defendants.

State of New York)
SS.:
County of Albany)

Jeffrey Teitel, being duly sworn, deposes and says that deponent is over the age of eighteen years, is employed by the attorney service, TEITEL SERVICE BUREAU INC., and is not a party to this action.

That on the 24th day of July 2017 at the office of the Secretary of State of New York in the City of Albany he served the annexed Summons with Notice and Notice of Commencement of Action Subject to Mandatory Electronic Filing on **MERCANTILE ADJUSTMENT BUREAU, LLC** by delivering and leaving with NANCY DOUGHERTY, a clerk in the office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, Deponent paid said Secretary of State a fee of $40.00 Dollars. That said service was pursuant to section 303 of the Limited Liability Company Law.

Deponent further states that he knew the person so served as foresaid to be a clerk in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age	Height	Weight
__ Male	X White	__ Light	__ 20-30	X 5'-5'5"	X 100-150
X Female	__ Black	__ Medium	__ 31-40	__ 5'6"-6'	__ 151-200
	__ Other	X Dark	__ 41-50	__ 6'1"-6'5"	__ 200-250
			__ 51-60	__ 6'6"+	__ 250+
			X 61-70		

Sworn to before me this 24th day of
July, 2017

Hilary Teitel
Hilary Teitel
Notary Public, State of New York
Qualified in Albany County
No. 01TE5049179
Commission Expires September 11, 2017

Jeffrey Teitel

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

BARBARA BASSETT,

Plaintiff,

Index No. 156324/2017
Date Filed: 07/13/2017

-against-

AFFIDAVIT OF SERVICE

LVNV FUNDING, LLC, ET AL.,

Defendants.

State of New York)
SS.:
County of Albany)

Jeffrey Teitel, being duly sworn, deposes and says that deponent is over the age of eighteen years, is employed by the attorney service, TEITEL SERVICE BUREAU INC., and is not a party to this action.

That on the 24th day of July 2017 at the office of the Secretary of State of New York in the City of Albany he served the annexed Summons with Notice and Notice of Commencement of Action Subject to Mandatory Electronic Filing on **LVNV FUNDING LLC** by delivering and leaving with Nancy Dougherty, a clerk in the office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, Deponent paid said Secretary of State a fee of $40.00 Dollars. That said service was pursuant to section 303 of the Limited Liability Company Law.

Deponent further states that he knew the person so served as foresaid to be a clerk in the Office of the Secretary of State of New York, duly authorized to accept such service on behalf of said defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age	Height	Weight
__ Male	✓ White	__ Light	__ 20-30	✓ 5'-5'5"	✓ 100-150
✓ Female	__ Black	__ Medium	__ 31-40	__ 5'6"-6'	__ 151-200
	__ Other	✓ Dark	__ 41-50	__ 6'1"-6'5"	__ 200-250
			__ 51-60	__ 6'6"+	__ 250+
			✓ 61-70		

Sworn to before me this 24th day of
July, 2017

[signature]
Hilary Teitel
Notary Public, State of New York
Qualified in Albany County
No. 01TE5049179
Commission Expires September 11, 2017

[signature]
Jeffrey Teitel

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

---X

BARBARA BASSETT,

Plaintiff,

NOTICE OF APPEARANCE

Index No. 156324/2017

v.

LVNV FUNDING, LLC; MERCANTILE ADJUSTMENT BUREAU, LLC; *and* ELTMAN LAW, P.C.

Defendants.

---X

PLEASE TAKE NOTICE THAT defendant, Mercantile Adjustment Bureau, LLC ("MAB"), hereby appears in this action through their undersigned counsel of record.

Dated: August 14, 2017

Respectfully submitted,

Kirsten H. Smith
SESSIONS, FISHMAN, NATHAN & ISRAEL
3850 N. Causeway Blvd., Suite 200
Metairie, LA 70002
Telephone: (504) 846-7943
ksmith@sessions.legal
Counsel for Defendant,
Mercantile Adjustment Bureau, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 14, 2017, a copy of the foregoing was electronically filed with the Clerk of the Court and served upon all counsel and parties of record via email and U.S. mail.

Kirsten H. Smith
Counsel for Defendant,
Mercantile Adjustment Bureau, LLC

\\SFNI-FS01\Prolawdocs\9549\9549-42805\Bassett, Barbara\2623279.DOCX

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
---------------------------------------x
BARBARA BASSETT,

Plaintiff,

-against-

LVNV FUNDING, LLC MERCANTILE ADJUSTMENT BUREAU, LLC, and ELTMAN LAW, P.C.

Defendant(s).
---------------------------------------x

STIPULATION EXTENDING DEFENDANT'S TIME TO ANSWER COMPLAINT

INDEX NO: 156324/2017

Plaintiff, by her attorney Jared Hale Louzon, Esq. and defendants, LVNV Funding, LLC and Mercantile Adjustment Bureau, LLC by their attorneys Barron & Newburger, P.C. agree as follows:

1. That defendant's time to answer the complaint is extended to August 31, 2017.

Dated: New City, NY
August 15, 2017

Jared Hale Louzon, Esq.
Law Office of Simon Goldenberg, PLLC
Attorney for plaintiff
818 East 16th Street
Brooklyn, NY 11230

Arthur Sanders
Barron & Newburger, P.C.
Attorney for defendant
LVNV Funding, LLC and
Mercantile Adjustment Bureau, LLC
30 South Main Street
New City, NY 10956